



LOS ANGELES COUNTY COMMISSION ON HIV

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JOINT PUBLIC POLICY (JPP) COMMITTEE MEETING MINUTES

April 3, 2012

Approved
6/27/2012

The JPP Committee acts in accordance with the role of the Commission on HIV, as dictated by Los Angeles County Code 3.29.090. Consistent with Commission Bylaws Article VI, Section 2, no Ryan White resources are used to support JPP Committee activities.

| MEMBERS PRESENT | MEMBERS ABSENT | PUBLIC | DHSP STAFF | COMM STAFF/ CONSULTANTS |
|--------------------------------|----------------|----------------|------------|----------------------------|
| Aaron Fox, <i>Co-Chair</i> | Sergio Aviña | Luke Klipp | None | Jane Nachazel |
| Stephen Simon, <i>Co-Chair</i> | Joseph Cadden | Lambert Talley | | Craig Vincent-Jones |
| Cheryl Barrit | Kathy Watt | | | |
| Kyle Baker | | | | |
| Lee Kochems | | | | |
| Elizabeth Mendia | | | | |

CONTENTS OF COMMITTEE PACKET

- 1) **Agenda:** Joint Public Policy (JPP) Committee Agenda, 4/3/2012
- 2) **Table:** Commission on HIV 2012 Legislative Docket, California State Legislative 2011-2012 Second Session, 2/28/2012
- 3) **Bill:** AB 2253: Clinical laboratory test results: electronic conveyance, 2/24/2012
- 4) **Article:** For Cedars-Sinai's 1980s HIV babies, a diagnosis for life, 3/10/2012
- 5) **Committee Application:** Jason Wise, 3/22/2012
- 6) **Policy/Procedure:** #09.1007: Community Member Appointments, 7/14/2011

1. **CALL TO ORDER:** Mr. Simon called the meeting to order at 1:15 pm.

2. **APPROVAL OF AGENDA:**

- Mr. Vincent-Jones noted all Commissioners must have a primary committee assignment even if engaged in other key activities. Mr. Aviña and Ms. Watt were now engaged with the Latino Caucus and Comprehensive HIV Plan respectively.
- ➡ Remove Mr. Engeran-Cordova's name from the agenda as he is no longer on JPP.

MOTION #1: Approve the Agenda Order with Item 6.A. changed from "Co-Chair Nominations" to "Co-Chair Elections" and Mr. Engeran-Cordova's name removed from the Committee Member listing (**Passed by Consensus**).

3. **APPROVAL OF MEETING MINUTES:**

MOTION #2: Approve the Joint Public Policy (JPP) Committee Meeting Minutes (**Postponed**).

4. **PUBLIC COMMENT, NON-AGENDIZED:** There were no comments.

5. **COMMITTEE COMMENT, NON-AGENDIZED:** There were no comments.

6. **CO-CHAIRS' REPORT:**

- Mr. Vincent-Jones noted only JPP and the Standards of Care Committees allow non-Commissioner community members. The practice has been to invite applicants, but that is not required.
- The committee's charge is to assure an applicant meets its own criteria. Approved applications are reviewed by the Operations Committee to ensure the originating committee's criteria were met. Applications then go the Commission for approval. If approved, they are forwarded to the Board for appointment to the originating committee.
- Mr. Baker expressed concern about the balance of Commissioners, PPC members, providers and, especially, consumers. Mr. Vincent-Jones noted that is a continuing consideration, but particularly important when there are multiple applicants.
- Mr. Simon noted Mr. Wise has been very active and involved in JPP activities.

- Mr. Vincent-Jones will add the definition of “community,” which refers to any non-Commissioner, to the policy.
- JPP members will review Policy/Procedure: #09.1007: Community Member Appointments, especially Item 6 which pertains specifically to JPP, and refer input to Mr. Vincent-Jones.

MOTION #3 (Baker/Mendia): Support Jason Wise as Joint Public Policy Community Committee Member (***Passed by Consensus***).

A. Co-Chair Elections: Election repeated, because it had not been properly agendaized for the February 29, 2012 meeting. Messrs. Fox and Simon had been nominated, and were elected with a quorum at that meeting. There were no other nominations.

MOTION #4 (Mendia/Barrit): Elect Aaron Fox and Stephen Simon Joint Public Policy (JPP) Committee Co-Chairs (***Passed by Consensus***).

B. Legislative Docket Review:

- Mr. Baker reported Dr. Peter Kerndt, Chief, STD Program, recently called his attention to AB 2253. He was now seeking information about supporters and JPP’s opinion. Dr. Douglas Frye, Chief, HIV Epidemiology, has initially supported it as a more progressive laboratory approach. Opposition is minimal. The Acting Head of the Public Health Laboratory was neutral as he felt the bill pertained to patient disclosure rather than laboratories.
- Ms. Mendia noted Kaiser Permanente allows patients to check their own laboratory reports, but current State law prohibits online access to HIV, Hepatitis and abuse of drugs information although results can be emailed.
- Mr. Vincent-Jones said this was raised during names-based discussion, but there was concern it would be a distraction. Mr. Baker added AIDS Healthcare Foundation (AHF) brought a bill last year that included electronic availability. Dawn McClendon reported that this bill was brought forward by Dr. Kevin Tracy.
- Mr. Fox said there does not appear to be any impact on other aspects of testing besides adding an available medium.
- Ms. Mendia was concerned about including abuse of drugs though negative results might be used to apply for a job.
- The group found Section 1, subdivision f, confusing especially as it related to subdivision b which addresses, e.g., results review by the health care professional and use of a secure personal identification number for electronic delivery.
- Regarding AB 2472, JPP recommended support and referral to the Department of Health Services (DHS) for assessment and input. Mr. Baker said he had heard nothing from DHS as yet, but had not asked specifically. Mr. Fox noted AHF was requesting support, but others are asking questions and many plan to be neutral.
- Mr. Vincent-Jones noted AHF is the only specialty HIV Medi-Cal managed care provider in the State. If the bill benefits AHF without harming others, then it could be appropriate. He noted that some concerns about supporting the bill may be due to opinions about the sponsor, rather than legitimacy of the proposed legislation.
- Mr. Vincent-Jones will follow-up with the AB 2253 author’s office to determine the bill’s goal. He will also contact Vicky Evers, Intergovernmental Affairs, about the bill.
- Mr. Vincent-Jones will request DHS review AB 2472 for any concerns.

MOTION #5 (Mendia/Barrit): Watch AB 2253 (***Passed by Consensus***).

7. FY 2012-2013 STATE BUDGET:

- Mr. Fox reported Legislature subcommittees have done a substantial amount of their work. About 10 Commissioners spoke at the Senate and Assembly Budget Health Subcommittee hearings. The Senate Subcommittee voted to reject cost-sharing. The Assembly Subcommittee had specifically asked that consumers testify, but voted to take no action.
- Mr. Vincent-Jones expected some follow-up, e.g., Carla Bailey wants to set up a meeting with her representative, Assemblywoman Holly Mitchell, Chair, Assembly Budget Health Subcommittee. Assemblyman John Perez was encountered after the hearing. He affirmed his opposition to cost-sharing and anticipated cost-sharing would fail.
- Mr. Fox felt part of the reason the Assembly Subcommittee took no action was that administration representatives, including Dr. Karen Mark, Interim Division Chief, Office of AIDS (OA), could not answer Subcommittee questions coherently.
- Mr. Vincent-Jones added the Assembly and Senate hearing structures varied. The Assembly identified a panel to address savings, but consumers raised cost-sharing issues. Surprisingly, the most pointed questions on savings, gaps and continuity of care came from Assemblywoman Shannon Grove, Republican, who is generally very much to the right.
- Mr. Fox noted the Subcommittee was unusually focused on the actual Low Income Health Program (LIHP) transition. Ordinarily, as a Subcommittee of the Budget Committee, it focuses strongly on budget issues.
- Dr. Mark testified about some kind of financial hardship exemption, but the testimony was so confusing that Mr. Vincent-Jones felt unable to respond. She referenced a process that could be adapted to meet the Legislative Analyst Office (LAO) recommendation on hardships, but he was unaware of the process. He also felt evaluating hardship itself on a population at

the 200% Federal Poverty Level (FPL) was redundant. He felt it might be important to respond to the LAO report prior to the May Revise.

- The Assembly Subcommittee asked about LIHP estimates based on legacy counties starting LIHP in 1/2012, though some will not start until 7/2012. OA had no answer, but Mr. Klipp felt they would try to expand LIHP to all counties to boost numbers.
- Mr. Klipp reported the Governor's Budget also proposes removing the legislative set-aside for the California HIV/AIDS Research Policy Centers in the University of California budget. The Governor proposed removing all such set-asides which also include the Charles Drew Medical Program last year, but the Legislature kept them. Messrs. Klipp and Fox testified at a recent Senate Subcommittee hearing on the set-asides. They will return for the Assembly Subcommittee hearing on 4/11/2012. The Senate Subcommittee voted to hold the issue open. Legislators generally prefer to maintain control of the funds rather than give the University leeway to re-allocate them. The Legislative Analyst Office recommended that the Legislature review set-asides on a case-by-case basis.
- Mr. Klipp asked if the Governor sought to revise Federally Qualified Health Center (FQHC) Prospective Payment System (PPS) rates. Mr. Fox replied FQHCs are open to a discussion to reform the PPS structure to reflect, e.g., group payments. The budget is too short a process to do that nor can the Governor change rates unilaterally.
- Regarding the duals pilot project, the Department of Health Care Services (DHCS) has released more trailer bill language. It will likely be 10 counties including Los Angeles. DHCS is in the process of developing stakeholder groups on various issues.
- Mr. Vincent-Jones asked about analysis of the duals project impact on consumers. Mr. Fox said integrating In-Home Supportive Services and community-based assistance with better care coordination are good in principle. The question is whether provider networks can maintain continuity of care as provisions in the language support.
- Mr. Talley said consumers find LA Care services very confusing with conflicting information from place to place. Mr. Vincent-Jones said an LA Care representative may join the Commission and has stated a key reason was to improve community education. He added some consumer confusion is rooted in DHCS rather than LA Care.
- Mr. Baker has contacts with Assemblywoman Mitchell's staff and will coordinate with Mr. Vincent-Jones on a meeting.
- Mr. Vincent-Jones will complete the Consumer Caucus letter template advocating exclusion of cost-sharing from the May Revise. The letter-writing campaign would launch the next week, if needed. The Commission is in active contact with all nine planning councils, which could aid in statewide distribution.
- Letters are also planned to thank the Senate Subcommittee for rejecting cost-sharing and to follow-up with the Assembly Subcommittee encouraging them to reject it.
- Mr. Talley will apprise Mr. Vincent-Jones of a meeting being scheduled with Assemblyman Isadore Hall's office.
- Mr. Fox will attend the Consumer Caucus to help develop a list of dual project concerns for DHCS and LA Care.

8. FY 2012 LEGISLATIVE AGENDA:

- A. **Medi-Cal Managed Care Rates:** There was no additional discussion.
- B. **Routine HIV Testing:** Mr. Vincent-Jones reported no new information, but he continues to follow the issue.
- C. **HIV/STD Control in the Adult Film Industry (AFI):** There was no report.

9. RYAN WHITE REAUTHORIZATION:

- The 4/9/2012 Work Group will review the final draft Principles document for presentation and opening of public comment at the 4/12/2012 Joint Commission/PPC meeting which will facilitate presentation to both bodies. While JPP will not have time to discuss it before presentation, it will come back to JPP before the Commission votes on approval in May.
- Mr. Baker noted he had recently attended several meetings such as the Presidential Advisory Council on HIV/AIDS (PACHA) and the Urban Coalition for HIV/AIDS Prevention Services (UCHAPS). People are beginning to discuss reauthorization and groups such as the AIDS United Public Policy Committee are evaluating Congress and approaches. Timing to release the document seems good.
- Mr. Baker said he, Mario Pérez and Julie Cross have emphasized to HIV/AIDS advocates for some time that today's Ryan White system is ending. It is critical to prioritize because funding will not stay the same as more care is mainstreamed. People who once championed keeping Ryan White the same are beginning to realize that it must change or it will be lost.
- Mr. Vincent-Jones will distribute the Work Group final draft Monday to JPP. Comments should be returned by Tuesday.
- Mr. Vincent-Jones will email the current draft to Mr. Baker after the meeting for review.

10. HEALTH CARE REFORM/1115 WAIVER:

A. Low Income Health Programs (LIHPs):

- Mr. Klipp reported the State Office of AIDS (OA) has initiated another stakeholder group on LIHP transition and ADAP. It appears this will become an official stakeholder group at some point. Calls are on Fridays at 2:00 pm. Those interested should contact Mr. Klipp as participation is by invitation. The 4/6/2012 call will be on membership.
- Mr. Baker noted there are numerous other calls. Mr. Klipp noted a monthly County-specific call. Ms. Barrit felt it unfortunate as she tries to participate in all calls, but felt momentum was being lost due to repetition and confusion.
- Mr. Klipp said the State Department of Public Health and DHCS have a coordination problem. They tried to base the transition on Medi-Cal practice which has a 30-day period from eligibility to apply and a 150-day grace period on ADAP to get on Medi-Cal. Counties, on the other hand, have varying grace periods so people are falling off ADAP.
- Mr. Vincent-Jones noted it was understandable to have a slump when leadership changes, but OA has remained in a slump since the Fall repeatedly providing inaccurate and incorrect information. Further, it was originally set up to represent the community and stakeholder voice, but now represents the administration. It may no longer be useful.
- Mr. Fox said the issue of OA viability has already been raised. Some suggest moving it into DHCS. Mr. Kochems suggested agendizing the "State of OA" in general. Mr. Vincent-Jones suggested DHSP could discuss that less formally.
- Mr. Baker felt such a discussion would have been more appropriate a few months ago. It now appeared OA was close to selecting a new director so he suggested identifying expectations, e.g., history, concerns, and desire for dialogue.
- Mr. Simon suggested a work group as it would be less formal. Mr. Kochems preferred agendizing initial discussion.
- ➡ Agendize California Office of AIDS for next meeting.

B. 1115 Medicaid Waiver Amendment:

- Mr. Fox said it had been hoped the HIV Transition Incentive Plan Amendment would have been approved by 4/1/2012, but negotiations with the Centers for Medicare and Medicaid Services (CMS) continue.
- Mr. Klipp noted Anne Donnelly, Project Inform, has joined the 115 Waiver Stakeholder Committee. She is the first PWH.

11. COMMUNITY COLLABORATIONS:

A. CA Center for HIV/AIDS Policy Research:

- Mr. Klipp reported the last four-year grant expired in March and a new one has started. Southern community partners are AIDS Project Los Angeles and Los Angeles Gay and Lesbian Center, in collaboration with the University of California at Los Angeles. Community partners in the north are the SF AIDS Foundation and Project Inform in collaboration with the University of California at San Francisco (UCSF). Grantees and research partners will meet in two weeks.
- One grantor at the University of California sought to initiate a group to address what will happen under health care reform to recent immigrants and the undocumented unable to access care. That became an augmentation to the grant.
- A think tank of some 50 people representing advocacy, statewide and national organizations met 3/20/2012. It was agreed to develop a report outlining key issues to be addressed in Ryan White reauthorization and health care reform.
- Mr. Vincent-Jones said CHIPTS was to quantify data for undocumented research under the previous grant. A strategy was developed for Los Angeles County, but it does not reflect data statewide. Suggestions for other data were offered.
- The researcher said OA turned down a request for ADAP data even though it is public record. Mr. Klipp said OA told him they did not want ADAP data public as they felt it could be used to undermine Ryan White, but Mr. Vincent-Jones said the Commission has considered that issue and may be willing to assist getting the data.
- Mr. Klipp said a predictive model for the undocumented was planned, but Mr. Vincent-Jones said Case Watch already does that so it need not be repeated. Mr. Baker said he ran that data for Mr. Pérez just before the think tank, but the researcher felt it unreliable as its disclaimer states it is proxy data. Mr. Vincent-Jones acknowledged it is based on provider input, but the data may be the best available considering the limitations.
- Mr. Vincent-Jones noted Northern California agreed to do the qualitative piece, but has not and was showing little interest in it. He suggested UCSF do a literature review on the undocumented instead.

12. WORK PLAN REVIEW: There was no additional discussion.

13. ANNOUNCEMENTS:

- Mr. Talley felt a Community Advisory Board was needed to keep Martin Luther King on track. He has raised that with the Department for Health Services for over six months ago and feels pressure is needed to get it done.
- Mr. Mendia noted the AHF is boycotting Hershey because a 14-year HIV+ boy was refused admission to an affiliated school.

14. ADJOURNMENT: The meeting adjourned at 3:40 pm.